#### MINUTES

# MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN JIM PETERSON, on February 14, 2005 at 3:00 P.M., in Room 152 Capitol.

#### ROLL CALL

#### Members Present:

Rep. Jim Peterson, Chairman (R)

Rep. Christopher Harris, Vice Chairman (D)

Rep. John (Jack) W. Ross, Vice Chairman (R)

Rep. Debby Barrett (R)

Rep. Norma Bixby (D)

Rep. Dee L. Brown (R)

Rep. Paul Clark (D)

Rep. Sue Dickenson (D)

Rep. George Everett (R)

Rep. Kevin T. Furey (D)

Rep. Gail Gutsche (D)

Rep. Ralph Heinert (R)

Rep. Llew Jones (R)

Rep. Mike Jopek (D)

Rep. Rick Maedje (R)

Members Excused: None.

Members Absent: Rep. Carol Lambert (R)

Rep. Veronica Small-Eastman (D) Rep. David E. Wanzenried (D)

Staff Present: Joe Kolman, Legislative Branch

Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

## Committee Business Summary:

Hearing & Date Posted: HB 360, 2/5/2005; HB 606,

2/10/2005; HB 612, 2/10/2005; HB

608, 2/10/2005

Executive Action: HB 450; HB 453; HB 455; HB 491

#### HEARING ON HB 360

# Opening Statement by Sponsor: 00:03:18 REP. VERDELL JACKSON (R), HD 6, opened the hearing on HB 360, Subordinate power generation water rights. EXHIBIT (nah36a01) EXHIBIT (nah36a02) Proponents' Testimony: 00:13:43 Carl Schweitzer, Kalispell Chamber of Commerce

	Opponents' Testimony:
00:15:20	R. Blair Strong, Attorney, Spokane, representing
	Avista Corporation
00:29:18	Holly Franz, Water Rights Attorney, representing
	PPL Montana

#### EXHIBIT (nah36a03)

00.32.47

00:30:42	Mike	Murphy, Mo	ntana Wa	ter R	esources	Association
00:31:18	John	Youngberg,	Montana	Farm	Bureau	Federation

#### Informational Testimony:

00:32:02	Tim	Hall,	Attorney,	Department	of	Natural
	Resc	urces				

## Questions from Committee Members and Responses:

00.32.47	REF.	FARRIT
00:34:29	REP.	FUREY
00:35:43	REP.	BARRETT
00:37:25	REP.	HARRIS
00:41:29	REP.	JOPEK
00:44:30	REP.	HEINERT
00:46:15	REP.	CLARK
00:51:50	REP.	HEINERT

#### Closing by Sponsor:

RED EVERETT

00:57:26 REP. VERDELL JACKSON (R), HD 6 closed the hearing on HB 360.

## HEARING ON HB 608

	Opening Statement by Sponsor:
01:01:51	REP. VERDELL JACKSON (R), HD 6, opened the hearing
	on HB 608, Require measurable adverse impact when
	addressing new appropriation right.
EXHIBIT (nah)	36a04)
	Proponents' Testimony:
01:05:05	Marc M. Spratt, Hydrologist, Kalispell
EXHIBIT (nah)	
01:09:06	John Bloomquist, Attorney, representing Montana
	Stockgrowers Association
01:11:48	Mike Murphy, Montana Water Resources Association
01:12:09	John Youngberg, Montana Farm Bureau Federation
01:12:27	Bruce Tutvedt, Rancher, Western Montana
	Stockgrowers Association
	Opponents' Testimony:
01:12:55	Holly Franz, PPL of Montana
01:15:51	Tim Hall, Attorney, Montana Department of Natural
	Resources
01:19:20	Walt Sales, Water Right Owner, Gallatin Valley
01:20:45	R. Blair Strong, Attorney, Spokane, representing
	Avista Corporation
	Informational Testimony: None.
	Questions from Committee Members and Responses:
01:22:59	REP. EVERETT
01:25:56	REP. CLARK
01:28:46	REP. BARRETT
01:31:58	REP. JOPEK
01:35:17	REP. CLARK
01.33.17	Tar. Carac.
	Closing by Sponsor:
01:37:46	REP. VERDELL JACKSON (R), HD 6 closed the hearing
	on <b>HB 608</b> .
01:38:36	Break
01:50:43	Resume

# HEARING ON HB 606

REP. GAIL GUTSCHE (D), HD 99, opened the hearing on HB 606, Small miner using impoundment to store ore processing waste must obtain permit.  Proponents' Testimony:  01:53:40 Elizabeth Green, Rancher, Cottonwood Resource Council, Northern Plains  EXHIBIT (nah36a06) 01:56:26 Karen Hauge, Big Timber  EXHIBIT (nah36a07)  01:59:27 Bill Ralph, mine site adjacent property owner  EXHIBIT (nah36a08)  EXHIBIT (nah36a08)  O2:01:32 Pat Dopler, Red Lodge, Contractor, Owner, Red Lodge Glass  Opponents' Testimony:  02:02:46 Russ Hage, Missoula, Miner  02:10:00 Rich Geordge, Gold Mine operator, White Sulfer Springs  02:12:02 Clarence Taber, Flathead, Northwest Montana Gold Prospectors  02:14:23 Delbert Hunt, miner  02:14:23 Delbert Hunt, miner  02:14:23 Delbert Hunt, miner  02:14:26 Robin McCulloch, Montana Mining Association  02:22:03 Don Allen, Western Environmental Trade Association  Informational Testimony:  02:22:31 Warren McCullough, Montana Department of Environmental Quality  Questions from Committee Members and Responses:  02:22:4:57 REP. BROWN  02:26:08 REP. FUREY  02:24:57 REP. BROWN  02:26:08 REP. FUREY  02:29:24 REP. CLARK  02:33:344 REP. HARRIS  02:33:44 REP. FUREY		Opening Statement by Sponsor:
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02:22:57 REP. EVERETT 02:24:19 REP. HEINERT 02:24:57 REP. BROWN 02:26:08 REP. FUREY 02:28:43 REP. HEINERT 02:29:24 REP. CLARK 02:32:30 REP. HARRIS 02:33:44 REP. FUREY		Environmental Quality
02:24:19 REP. HEINERT 02:24:57 REP. BROWN 02:26:08 REP. FUREY 02:28:43 REP. HEINERT 02:29:24 REP. CLARK 02:32:30 REP. HARRIS 02:33:44 REP. FUREY 02:35:07 REP. JOPEK		Questions from Committee Members and Responses:
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02:32:30 REP. HARRIS 02:33:44 REP. FUREY 02:35:07 REP. JOPEK		
02:33:44 REP. FUREY 02:35:07 REP. JOPEK		
02:35:07 <b>REP. JOPEK</b>		
	02:38:34	

	Closing by Sponsor:		
02:40:00	REP. GAIL GUTSCHE (D), HD 99 closed the hearing on		
	HB 606.		
	HEARING ON HB 612		
	Opening Statement by Spenger:		
02:42:35	Opening Statement by Sponsor:  REP. RICK MAEDJE (R), HD 2, opened the hearing on		
02.42.33	HB 612, Revise application procedures for		
	commercial timer removal.		
	Commercial cimer removar.		
	Proponents' Testimony:		
02:55:37	Kathy Bramer, representing Montana State		
	Superintendent of Public Instruction Linda		
	McCulloch		
02:57:47	Jason Todhunter, Montana Logging Association		
02:59:17	Ellen Engstedt, Montana Wood Products Association		
03:00:23	Don Allen, Western Environmental Trade Association		
	Opponental Mastimony, Nana		
-	Opponents' Testimony: None.		
	Informational Testimony:		
03:01:07	Tom Schultz, Montana Department of Natural		
	Resources		
00 00 10	Questions from Committee Members and Responses:		
03:03:13	REP. BROWN		
03:04:09	REP. CLARK		
03:08:24	REP. HEINERT		
03:08:49	REP. DICKENSON		
03:10:40	REP. HARRIS		
03:13:39	REP. JOPEK		
EXHIBIT (nah36a:			
03:15:31	REP. BARRETT		
	Closing by Sponsor:		
03:16:36	REP. RICK MAEDJE (R), HD 2, closed the hearing on		
	HB 612.		
	EXECUTIVE ACTION ON HB 450		
03:18:49	Motion: REP. JOPEK moved that HB 450 DO PASS.		
00.10.17	1002011. ILLI. OULLE MOVED CHOOL IID 400 DO FROD.		
03:19:34	Motion: REP. JOPEK moved that HB 450 BE AMENDED.		
EXHIBIT (nah36a)	12)		
	Discussion:		
03:20:52	Joe Kolman, Legislative Services Division		
03:21:19	REP. DICKENSON		

03:21:45	<u>Vote</u> : Motion carried unanimously by voice vote.
03:22:06	<pre>Motion: REP. JOPEK moved that HB 450 DO PASS AS AMENDED.</pre>
	Discussion:
03:22:49	REP. BROWN
03:23:29	<u>Vote</u> : Motion carried 17-1 by voice vote with REP. BROWN voting no and REPS. LAMBERT, WANZENRIED, SMALL-EASTMAN, CLARK and EVERETT voting by proxy.
	EXECUTIVE ACTION ON HB 453
03:24:41	Motion: REP. FUREY moved that HB 453 DO PASS.
03:25:14	REP. CLARK arrived at committee meeting.
00 05 00	
03:25:39	Motion: REP. FUREY moved that HB 453 BE AMENDED.
EXHIBIT (nah36a	13)
	Discussion:
03:25:44	REP. BROWN
03:26:57	Joe Kolman, Legislative Services Division
	,,,,
03:27:13	<u>Vote</u> : Motion carried by voice vote.
03:27:39	Motion: REP. FUREY moved that HB 453 DO PASS AS
	AMENDED.
	Discussion:
03:27:49	CHAIRMAN PETERSON
03:29:08	REP. BARRETT
03:29:30	REP. MAEDJE
03:30:32	REP. HARRIS
03:31:00	REP. ROSS
03:31:43	REP. DICKENSON
03:32:52	REP. HARRIS
03:33:34	REP. JOPEK
03:34:18	REP. FUREY
03:35:12	REP. GUTSCHE
03:36:09	REP. ROSS
03:36:53	
03:30:33	REP. HARRIS

03:37:33

<u>Vote</u>: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT, WANZENRIED, LAMBERT and SMALL-EASTMAN voting by proxy.

#### EXECUTIVE ACTION ON HB 455

03:39:09 <u>Motion</u>: REP. CLARK moved that HB 455 DO PASS.

EXHIBIT (nah36a14)

03:40:31 Motion: REP. CLARK moved that HB 455 BE AMENDED.

EXHIBIT (nah36a15)
EXHIBIT (nah36a16)

#### Discussion:

03:47:52	REP. ROSS
03:49:18	<u>Vote</u> : Motion carried by voice vote.
03:49:33	<pre>Motion: REP. CLARK moved that HB 455 DO PASS AS AMENDED.</pre>

## Discussion:

03:49:51	REP.	DICKENSON
03:56:11	REP.	MAEDJE
03:56:35	REP.	FUREY
03:57:34	REP.	BROWN
03:58:40	REP.	HEINERT
04:06:06	REP.	MAEDJE
04:07:53	REP.	HARRIS
04:09:41	REP.	BARRETT
04:11:16	REP.	JOPEK
04:12:04	REP.	CLARK
04:16:23	REP.	JONES

04:17:48

<u>Vote</u>: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT, WANZENRIED, LAMBERT

and SMALL-EASTMAN voting by proxy.

# EXECUTIVE ACTION ON HB 491

04:19:11	Motion: REP. BIXBY moved that HB 491 DO PASS.
04:21:00	Motion: REP. BIXBY moved that HB 491 BE AMENDED.
EXHIBIT (nah36a EXHIBIT (nah36a EXHIBIT (nah36a	18)
04:21:07	<u>Vote</u> : Motion carried by voice vote.
04:21:23	Motion: REP. BIXBY moved that HB 491 DO PASS AS AMENDED.
	Discussion:
04:21:36	REP. BIXBY
04:24:55	REP. HEINERT
04:26:06	REP. DICKENSON
04:29:37	<u>Vote</u> : Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting age and REPS. EVERETT, WANZENRIED, LAMBERT and SMALL-EASTMAN voting by proxy.
04:31:17	

## ADJOURNMENT

Adjournment:	7:45 P.M.	
		 REP. JIM PETERSON, Chairman
		 DEBRA POLHEMUS, Secretary
.TP/dn		

JP/dp

Additional Exhibits:

EXHIBIT (nah36aad0.TIF)